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11 Attorneys for Defendant,  
12 **BRANT BLAKEMAN**

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**  
15

16 **CORY SPENCER**, an individual;  
17 **DIANA MILENA REED**, an individual;  
18 and **COASTAL PROTECTION**  
**RANGERS, INC.**, a California non-  
19 profit public benefit corporation,

20 Plaintiffs,

21 vs.

22 **LUNADA BAY BOYS; THE**  
23 **INDIVIDUAL MEMBERS OF THE**  
24 **LUNADA BAY BOYS**, including but  
not limited to **SANG LEE, BRANT**  
**BLAKEMAN, ALAN JOHNSTON**  
**AKA JALIAN JOHNSTON, MICHAEL**  
**RAE PAPAYANS, ANGELO**  
**FERRARA, FRANK FERRARA,**  
**CHARLIE FERRARA,** and **N.F.; CITY**  
25 **OF PALOS VERDES ESTATES;**  
**CHIEF OF POLICE JEFF KEPLEY,** in  
26 his representative capacity; and **DOES**  
1-10,

27 Defendants.  
28

**CASE NO.: 2:16-CV-2129-SJO-RAO**  
**Hon. S. James Otero, Ctrm. 10C**

**DECLARATION OF RICHARD P. DIEFFENBACH IN SUPPORT OF DEFENDANT BLAKEMAN'S OPPOSITION TO PLAINTIFFS' MOTION FOR ADMINISTRATIVE RELIEF UNDER RULE 56(d)**

**DATE:** September 5, 2017  
**TIME:** 10:00 a.m.  
**CTRM:** 10C  
1<sup>st</sup> Street Courthouse

[Filed Concurrently with Defendant Brant Blakeman's Opposition To Plaintiffs' Motion For Administrative Relief Under Rule 56(d)]

**Action Commenced:** 03/29/2016  
**Discovery Cutoff:** 08/7/2017  
**Pretrial Conf.:** 10/23/2017  
**Trial Date:** 11/07/2017

1 I, Richard P. Dieffenbach, declare as follows:

2 1. I am an attorney licensed to practice under the laws of the State of  
3 California and am duly admitted to practice before this court. I am an associate with  
4 the law firm of Veatch Carlson, LLP, attorneys of record for defendant BRANT  
5 BLAKEMAN in this matter.

6 2. On Feb 27, 2017, by stipulated order we were required to hire San Diego  
7 Digital Forensics to view 30 data cards containing videos and photos taken by  
8 Blakeman. EFC No. 231. On or around April 17, 2017, San Diego Digital Forensics  
9 sent us the pertinent materials they culled from the 30 cards. This included photos,  
10 videos, and “metadata” as required. From 30 data cards, 67 separate items were  
11 identified as within the parameters of the demand.

12 3. No further demands for videos were made. We are in full compliance  
13 with the RFP and order of the court. The invoices for San Diego Digital Forensics  
14 show we spent \$6292.45 and \$2292.54, a total of \$8584.99, or \$128.13 per item  
15 produced, none of which have been presented in plaintiffs’ opposition to Mr.  
16 Blakeman’s MSJ.

17 4. Mr. Blakeman’s cell phone was issued to him by the City of Palos Verdes  
18 Estates because he is a volunteer first responder for the City. The City provided that  
19 phone and its contents in discovery, as shown by the City’s response to plaintiff’s  
20 Interrogatory 12, stating the City had provided all information from Blakeman’s  
21 phone to plaintiffs. A copy of the City’s response to Interrogatory No. 12 is attached  
22 hereto as Exhibit A.

23 I attest under penalty of perjury under the laws of the United States of America,  
24 that the foregoing is true and correct. Executed this 15th day of August, 2017, at Los  
25 Angeles, California.

26 /s/ Richard P. Dieffenbach  
27 Richard P. Dieffenbach, Declarant  
28

# **EXHIBIT A**

LM-IPN PDD JS.

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9 Attorneys for Defendants  
10 CITY OF PALOS VERDES ESTATES and  
11 CHIEF OF POLICE JEFF KEPLEY

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

14 CORY SPENCER, an individual;  
15 DIANA MILENA REED, an  
individual; and COASTAL  
16 PROTECTION RANGERS, INC., a  
California non-profit public benefit  
corporation,

17 Plaintiffs,

18 v.

19 LUNADA BAY BOYS; THE  
20 INDIVIDUAL MEMBERS OF THE  
LUNADA BAY BOYS, including  
21 but not limited to SANG LEE,  
BRANT BLAKEMAN, ALAN  
22 JOHNSTON aka JALIAN  
JOHNSTON, MICHAEL RAE  
23 PAPAYANS, ANGELO FERRARA,  
FRANK FERRARA, CHARLIE  
24 FERRARA and N.F.; CITY OF  
PALOS VERDES ESTATES;  
25 CHIEF OF POLICE JEFF KEPLEY,  
in his representative capacity; and  
26 DOES 1-10,

27 Defendants.

Case No. 2:16-cv-02129-SJO-RAO

Assigned to  
District Judge: Hon. S. James Otero  
Courtroom: 1

Assigned Discovery:  
Magistrate Judge: Hon. Rozella A.  
Oliver

**DEFENDANT CITY OF PALOS  
VERDES ESTATES' RESPONSES  
TO INTERROGATORIES SET  
FOUR PROPOUNDED BY  
PLAINTIFF CORY SPENCER**

Complaint Filed: August 4, 2016

1 The City's discovery and investigation has not yet been completed, and the  
2 City reserves the right to supplement, amend, or otherwise modify this response on  
3 that basis.

4 **INTERROGATORY NO. 12:**

5 State when the CELL PHONE was returned by Defendant Blakeman to the  
6 CITY.

7 **RESPONSE TO INTERROGATORY NO. 12:**

8 Objection. The City refers to and incorporates by reference its General  
9 Objections stated above.

10 Subject to the foregoing objections, the City responds as follows: The City  
11 first learned that Brant Blakeman was in possession of the cell phone identified in  
12 early 2017. Upon acquiring said knowledge, the City promptly recalled the phone  
13 from Mr. Blakeman. Mr. Blakeman returned the phone to the City in the early  
14 2017 timeframe, and the City preserved the phone in that same timeframe.  
15 Requested information preserved and imaged from the cell phone at issue have  
16 been produced by the City to all parties.

17 The City's discovery and investigation has not yet been completed, and the  
18 City reserves the right to supplement, amend, or otherwise modify this response on  
19 that basis.

20  
21 Dated: July 31, 2017

KUTAK ROCK LLP

22  
23 By: /s/ Edwin J. Richards  
24 Edwin J. Richards  
25 Antoinette P. Hewitt  
26 Christopher D. Glos  
27 Rebecca L. Wilson  
28 Attorneys for Defendants  
CITY OF PALOS VERDES ESTATES  
and CHIEF OF POLICE JEFF KEPLEY

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**VERIFICATION**

*Spencer, et al. v Lunada Bay Boys, et al.*  
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT  
Case No. 2:16-cv-02129-SJO-RAO

I declare that I am a member or agent of Defendant CITY OF PALOS VERDES ESTATES, a party to this action, and I make this verification for that reason.

I have read the foregoing **DEFENDANT CITY OF PALOS VERDES ESTATES' RESPONSES TO INTERROGATORIES SET FOUR PROPOUNDED BY PLAINTIFF CORY SPENCER** and know the contents thereof, and understand them to be true and correct based upon information and belief.

I declare under penalty of perjury under the laws of the State of California and the U.S. Government that the foregoing is true and correct.

Executed this 31<sup>st</sup> day of July 2017, at Palos Verdes Estates, California.

  
\_\_\_\_\_  
ANTON DAHLERBRUCH